

**California State
Assembly Members
Jim Beall, Jr.
Joe Coto**

Host

**Special Education
Roundtable**

April 4, 2008

Cambrian School District

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AGENDA
Special Education Roundtable
Hosted by Assembly Members Jim Beall, Jr. and Joe Coto
April 4, 2008
11:30-1:00pm
Cambrian School District, Board Room
4115 Jacksol Drive
San Jose, CA 95124

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|---|--------------------------|
| 1. Networking and Snacks | 11:30am-11:40am |
| 2. Welcome Purpose of Meeting
Assemblymember Joe Coto | 11:40am – 11:50am |
| 3. Overview of Education Budget
Assemblymember Joe Coto | 11:50am – 12:00pm |
| 4. Overview of Proposed Reductions
Special Education and Benefits to Persons with Disabilities
Assemblymember Jim Beall, Jr. | 12:00pm – 12:10pm |
| 5. Update on DDS and
Special Education Legislation
Assemblymember Jim Beall, Jr. | 12:10pm-12:20pm |
| 6. Update on Federal IDEA funding
Albert Beltran, Office of Congressman Honda | 12:20-12:30pm |
| 7. How to Effectively Advocate
Barb Spreng, 6th District PTA President | 12:30pm-12:35pm |
| 8. Remarks from SELPA Representatives
SELPA 1 CAC, Linnea Wickstrom
SELPA IV CAC, Jennifer Packard | 12:35pm-12:40pm |
| 9. Public Comment
Parents Helping Parents (PHP), Jane Floethe-Ford
Campbell Elementary School, Shelley Viramontez
Director of Special Education | 12:40pm-1:00pm |
| 10. Summarize and Next Steps
Assemblymembers Jim Beall, Jr. and Joe Coto | |

Purpose and Goals

Purpose:

To provide an opportunity for an informational dialogue with parents and representatives from SELPA and the Santa Clara County PTA regarding:

- ♦ California's Education Budget
- ♦ Current Special Education and DDS Legislation
- ♦ How to Get Involved and be an advocate for Special Education

Goals:

- To provide attendees with updated information on the current proposed education budget and legislative proposals impacting Special Education on a state and federal level;
- To provide attendees with information on how to impact the legislative process;
- To provide the Assembly members with legislative ideas and recommendations they can pursue and/or advocate for with other members of the legislature.

Proposed Education Budget Highlights

Special Session – Mid-Year Reductions and Cash Savings Proposals

Current Year (CY) Problem. When the Governor released his budget on January 10, current-year General Fund tax revenues had declined by roughly \$4 billion from the 2007-08 Budget Act level. This drop in revenues led to a drop in the Proposition 98 minimum guarantee. The administration estimated the Proposition 98 minimum guarantee was almost \$1.5 billion below the Proposition 98 budget act funding level.

Governor's Proposed Solution for CY. The Governor's budget proposes to reduce the \$1.5 billion over-appropriation of Proposition 98 by \$400 million. Of the proposed \$400 million reduction: K-12 revenue limits would be reduced by \$360 million and community college apportionments would be reduced by \$40 million.

Revenue limits and apportionments are general purpose dollars that are primarily used to pay teacher and administrator salaries. A cut to revenue limits and apportionments during the current year would result in a cut to direct services. This would be a “real” cut to school districts and community colleges.

Mid-Year Legislative Actions in K-14 Education. Rather than adopt the reduction to revenue limits, the Legislature chose to adopt the following mid-year actions:

- ◆ **Total Reductions to Proposition 98 for K-14 Education.** Reduces the Proposition 98 minimum guarantee in 2007-08 by \$506.8 million (\$475.7 million in K-12 and \$31.1 for Community Colleges). This reduction is achieved through reappropriations of prior year funding and reductions to current year funding for certain categorical programs. This reappropriation of one-time funds allows the state to achieve current year savings while maintaining K-14 expenditures at budgeted levels. These reductions are in lieu of the Governor's proposal to reduce school district revenue limits and community college apportionments by \$400 million in the current year.
- ◆ **Williams Settlement Emergency Facilities Repair Program.** Appropriates an additional \$100 million from the Proposition 98 Reversion Account to the Emergency Facilities Repair Program pursuant to the terms of the *Williams* lawsuit settlement of 2004 and makes conforming changes to provisional budget language. This ensures all *Williams* related expenses will be met without impacting other programs.
- ◆ **Deferral of Payments to Address Cash Shortage.** Defers, on a one-time basis, \$1.1 billion in advance apportionment payments for K-12 schools from July 2008 to September 2008, in order to meet the state's cash needs. This differs from the Governor's proposal which proposed to defer the June payment to September and would have been an ongoing, permanent deferral.

- ♦ **Changes to Proposition 49 (Before and After School programs).** Clarifies and defines the Proposition 49 continuous appropriation to: (1) not be without regard to fiscal year and (2) to treat unspent funds in the same manner as normal budget act appropriations, allowing unspent dollars in the program to be used for other Proposition 98 purposes.

Governor's Budget 2008-09

2008-09 Budget Proposal. The Governor proposes to reduce Proposition 98 spending by large amount. The Governor's proposal is to spend \$55.6 billion for Proposition 98 (\$49.3 billion for K-12 education, \$6.2 billion for CCC). There are several ways to think about this reduction:

- ♦ **Compared to Minimum Guarantee: -\$4 billion.** Governor provides \$4 billion less than required by Proposition 98. This would require suspending Proposition 98.
- ♦ **Compared to "Workload Budget:" -\$4.8 billion.** Governor first builds workload budget (adjusting program funding for growth and COLA as in a normal year), then makes reductions—\$ 4.3 billion for K-12 education and \$480 million for CCC.
- ♦ **Compared to Governor's 2007-08 Budget Proposal: -\$1.1 billion.** Governor's proposal represents *actual* year-to-year cuts for existing programs.
- ♦ **Impacts on school districts.** Net reduction varies by program. No program receives COLA. Most programs experience between a 6 percent to 7 percent year-to-year reduction. Revenue limits are cut by about 2 percent year-to-year.

2008-09 Budget Proposal – Special Education

Program Reduction

This proposal would eliminate the 4.94-percent COLA and reduce the per pupil state funding rate.

Reduction Impacts

Per pupil rate would be reduced from approximately \$4,646 to \$4,305. To the extent that state and local funds go below the combined amount spent in the prior year, federal funds would be lost on a 1:1 basis. Schools may have to backfill most of this reduction as the program is federally mandated.

2008 Special Education Bills

AB 1768 (Evans) This bill requires local educational agencies to expand their services to individuals with special needs between 3 to 5 years of age if they are pending a hearing and are no longer eligible for early intervention services. Under the California Early Intervention Services Act, an individual with exceptional needs would no longer be eligible for early intervention services upon reaching 3 years of age. The mandated increase in expanded educational services would require the state to reimburse local educational agencies for the cost incurred.

AB 1872 (Coto) This bill would establish the California Autism Spectrum Disorder Clearinghouse. The goal of the Clearinghouse is to present evidence-based recommendations and information regarding practices about the education of pupils with autism spectrum disorders. This would include information regarding instructional strategies, fiscal management practices and organizational structures. AB 1872 will ensure that the most current research and training methodologies are available to parents, schools and school districts, regional centers and nonpublic schools.

AB 2290 (Benoit) This bill would require the State Department of Education to fund the cost of an additional option; allowing individuals with exceptional needs to attend a public or nonsectarian private school of their choice. The department would be required to decrease a school district's state funding payment if the individual with exceptional needs were to attend a nonsectarian private school. The state would be required to reimburse the school districts for services they provided to nonresidential pupils and to perform other additional duties.

AB 2555 (Torrico) This bill would require the local education agency to provide the parent of an individual with exceptional needs who is blind or visually impaired a disclosure indicating the California School for the Blind is the appropriate placement for his or her child. The local education agency would be required to disclose that information regardless of whether the local educational agency agrees with that placement.

AB 2717 (Fuentes) This bill would assign the burden of proof in a due process hearing to the educational agency. This burden of proof would include the burden of persuasion and the burden of production. Current law places the burden of proof on the parent of an individual with exceptional needs during a due process hearing.

AB 2783 (Plescia) This bill would require a local educational agency to determine whether a foster youth who is placed in a specific group home or a community treatment facility is eligible for special educational services. The bill would further require the local educational agency to complete an individual educational program for the foster youth. Due to the creation of a new mandated program, the state would be required to reimburse local agencies and school districts for certain costs.

2007 Special Education Bills

AB 216 (Bass) Special Education: Nonpublic, Nonsectarian Schools

This bill required a nonpublic, nonsectarian school to provide pupils in kindergarten through grade 8 access to state-adopted, standards-based, core curriculum and instructional materials. It further required a non public, nonsectarian school to provide pupils in grades 9 through 12 to access standards-based, core curriculum and instructional materials used by any local educational agency that contracts with the nonsectarian school.

Status: Signed into Law

AB 485 (Solorio) Special Education: Nonpublic, Nonsectarian Schools and Agencies: Certification Revocation

This bill prohibited a nonpublic, nonsectarian school or agency that had their certificate revoked, from being eligible to apply for recertification of the school or agency for two years following the date of revocation.

Status: Signed into Law

AB 497 (Portantino) Special Education: Foster Children: Funding

This bill required local educational agencies (LEAs) to reimburse nonpublic, nonsectarian schools (NPS) for services they provided to a pupil placed in an NPS prior to the approval of an individualized education program that authorized the placement of the pupil in the NPS. Also, it required LEAs receiving funds for foster children under specified formulas to limit the use of those funds to the provisions set forth by special education services.

Status: Died in Assembly Education Committee

AB 685 (Karnette) Special Education

This bill makes technical changes to several provisions of the Education Code and the Government Code regarding special education, so as to conform to new federal regulations regarding the Individuals with Disabilities Education Improvement Act (IDEA) of 2004.

Status: Signed into Law

AB 795 (Keene) Special Education: Funding: Licensed Children's Institutions

Requires the state to assume the educational costs (in excess of the revenue received) incurred in any fiscal year by a special education local plan area for out-of-county foster children residing in a licensed children's institution who have been certified as seriously emotionally disturbed by the mental health director from the county of jurisdiction.

Status: Died in Assembly Appropriations Committee

AB 1085 (Richardson) Pupils with Hearing Impairment

Requires the parent of a pupil found to be hearing impaired to certify in writing that he/she, a family member, or caregiver has completed an age-appropriate course on American Sign Language, Signing Exact English, lip reading, cued speech, or cochlear implants. Authorizes a parent to opt out of this requirement for specified reasons; requires school districts to provide information to the parent regarding communication options, and to refer the parent to locally available courses.

Status: Died in Assembly Appropriations Committee

AB 1503 (Huff) High School Exit Examination: Pupils with Disabilities: Waivers

Makes various changes to the existing process by which specified pupils with disabilities who have been unable to satisfy the high school exit examination graduation requirement may seek a waiver of that requirement.

Status: Senate Education Committee

AB 1659 (Lieber) Special Education: Procedural Safeguards

Amends several provisions of special education statutes, and makes several changes to the dispute resolution process.

Status: Died in Assembly Appropriations Committee

AB 1663 (Evans) Special Education: Conformance to Federal Law

Makes various revisions to state special education statutes to bring them in conformance with federal changes enacted through the 2004 reauthorization of the Individuals with Disabilities Education Improvement Act (IDEA) and related federal regulations that became effective on October 13, 2006.

Status: Signed into Law

SB 123 (Romero) High School Exit Examination

Provides eligible pupils with disabilities, who have fulfilled all of the requirements for a high school diploma except passage of the high school exit exam, the opportunity to receive a diploma by demonstrating through a standardized evidence-based assessment that they have acquired the same knowledge and skills necessary to pass the high school exit exam.

Status: Vetoed by Governor due to pending legislation

SB 168 (Denham) Physical Education for the Blind and Visually Impaired

Requires the Superintendent of Public Instruction (SPI) to use an existing advisory task force to develop guidelines as a resource for teachers of functionally blind and visually impaired pupils in the area of physical education. Authorizes the SPI to revise the membership of the existing task force to include individuals with expertise in physical education and in providing physical education instruction and services to functionally blind and visually impaired pupils.

Status: Died in Assembly Appropriations Committee

SCR 40 (Ackerman) Speech-Language Pathologists: Shortage

Requests the Governor and all state agencies to work together to alleviate the critical shortage of speech-language pathologists in the state, and makes several legislative findings and declarations related to the increase in the number of children with autism, which has increased the demand for the services of speech-language pathologists in public schools.

Status: Resolution Signed into Law

Simplified Legislative Process Overview

Please note: This overview is simplified to provide an understanding of the steps the legislature has to take to get a bill signed into law. There are variations but the majority of bills go through this process.

Once a legislator receives an idea or recommendation for a bill, the idea is sent to the Legislative Counsel for review. Legislative Counsel has a number of attorneys whose job is to translate the bill into legal language. There is a set legislative calendar and bills can only be introduced during a designated timeframe. For this session, bills had to be introduced by February 22, 2008.

The legislator receives and approves the legal language and registers with the clerk and he/she gets assigned an Assembly bill or Senate bill number (bills will have AB which designates Assembly bill or SB which designates Senate bill). If an Assembly member introduces the bill it will have AB and if a Senator introduces the bill it will have SB.

The bill is then assigned to a policy Committee(s). Bills are usually assigned to one policy committee but if the bill impacts several areas it can be double referred and have to pass through 2 committees. If the bill costs money to implement it also has to go to the Appropriations Committee.

Each policy committee has 5 to 17 members. Policy Committees have assigned meeting times and they hear the bills and vote on them. A bill must receive a majority of the votes to get out of the Committee. If the bill doesn't get enough votes, it can die in committee or be held and the member can amend it and bring it back for re-consideration.

If a bill gets a majority vote, it is passed out of committee and if it was only referred to one committee and does not cost money to implement, it will go to the floor for a vote of all members.

If the bill is an Assembly bill, it will go to the Assembly Policy Committee and then go to the full Assembly for vote. There are 80 Assembly members and a majority of members have to vote for the bill for it to move on, (so usually 41 have to vote for it to get it out of the Assembly) If the bill requires a tax increase, or if it is the State Budget Act it requires a vote of 2/3rd or 54 members have to vote for it.

If the bill is initiated by a Senator, it will go to the Senate policy committee and then to the full Senate. There are 40 Senators so 21 votes are needed to move a bill out of the Senate, unless the bill requires a tax increase or if it is the State budget Act and it requires 27 votes to get out.

Bills that pass out of the Assembly are sent to the Senate and they go through the same process again. They are assigned to a Senate Policy Committee and need to get passed out of the committee and to the full Senate. Bills that start in the Senate have to go through the same process in the Assembly.

If a bill makes it through the Assembly and Senate, it is sent to the Governor for approval. The Governor can sign it into law; he can veto the bill or he can not sign it but allow it to become law without his approval. Vetos can only be overturned by a 2/3rd vote in both Senate and Assembly.

It usually takes at least 10 months to get a bill through the process.

Assembly Bill Process

- ➡ Idea/recommendation
- ➡ Legal Review and development of legal language
- ➡ Assignment of Bill Number and Referral to Policy Committee
- ➡ Policy Committee(s) and possibly Appropriations Committee
- ➡ Full Assembly Vote
- ➡ Assignment to Senate Policy Committee(s) and possibly Appropriations Committee
- ➡ Policy Committee(s) and possibly Appropriations Committee
- ➡ Full Senate Vote
- ➡ Governor's Action

Impacting Legislation

Concerned citizens can impact legislation by:

- ◆ Writing letters of support or opposition to their legislators about bills
 - Provide letter to legislator initiating the bill
 - Copy members of the committee where bill has been assigned
 - Letters need to be provided prior to committee hearing
- ◆ Appearing at committee hearing to testify for or against a bill
- ◆ Visiting legislators to state concerns about a bill
- ◆ Phoning the legislator's office and voicing your opinion

California State Assembly Committee on Education

Gene Mullin - Chair Phone: (916) 319-2019
Martin Garrick - Vice Chair Phone: (916) 319-2074
Committee phone Phone: (916) 319-2087

Committee Jurisdiction

Primary jurisdictions are education generally, certificated employees of schools, school finance, and school facilities.

Committee Members

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Gene Mullin - Chair E-mail:	Dem-19	(916) 319-2019 Assemblymember.mullin@assembly.ca.gov
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California State Senate Education Committee

Education Committee meets every Wednesday at 9:30 am in Room 4203.

JURISDICTION: Bills relating to education, higher education, and certificated educational personnel.

Members:	Phone	Email
<u>Senator Jack Scott (Chair)</u> <u>senator.scott@sen.ca.gov</u>	916 651-4021	
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Room: 2083

California State Senate Appropriations Committee

Appropriations Committee meets every Monday at 10:00 A.M. in Room 4203.

JURISDICTION: Bills that are subject to Joint Rule 10.5 and are not referred to the Budget and Fiscal Review Committee. Bills that constitute a state-mandated local program.

Members: **Phone**
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Useful Legislative Websites

California State Assembly - <http://www.assembly.ca.gov>

California State Senate - <http://www.senate.ca.gov/>

California State Legislature - <http://www.legislature.ca.gov/>

Find your State Legislators - <http://www.legislature.ca.gov/port-zipsearch.html>

California Legislative Information Website – <http://www.leginfo.ca.gov>
To track legislative bills

Office of the Governor - <http://gov.ca.gov/>

Legislative Analyst Office - www.lao.ca.gov
(California Nonpartisan Fiscal and Policy Advisor)

California Department of Education – <http://www.cde.ca.gov/>

Santa Clara County Office of Education – <http://www.sccoe.k12.ca.us/>

Santa Clara County SELPA – <http://www.sccoe.k12.ca.us/depts/selpa/>

California 6th District PTA (Santa Clara County) –
<http://www.capta6.org/>

United States House of Representatives
<https://forms.house.gov/wyr/welcome.shtml>

United States Senate – <http://www.senate.gov/>

Contact U.S. (California) Senators-
http://www.senate.gov/general/contact_information/senators_cfm.cfm?State=CA

California Budget Project – <http://www.cbp.org>
The California Budget Project engages in independent fiscal and policy analysis and public education with the goal of improving public policies affecting the economic and social well-being of low- and middle-income Californians.

Contact Information

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Assembly member Joe Coto

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